

**U.S. Environmental Protection Agency
Region VIII**

_____)	
IN THE MATTER OF:)	
)	
ROCKY FLATS INDUSTRIAL PARK SITE,)	
)	
Proceeding under Section 122(g)(4) of the)	
Comprehensive Environmental Response,)	EPA Docket No. CERCLA-08-2003-0006
Compensation, and Liability Act of 1980 as)	
amended, 42 U.S.C. 9622(g)(4))	
_____)	

**ADMINISTRATIVE ORDER ON CONSENT
SECOND GROUP DE MINIMIS SETTLEMENT**

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I. JURISDICTION

1. This Administrative Order on Consent ("Consent Order" or "Order") is issued pursuant to the authority vested in the President of the United States by Section 122(g)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9622(g)(4), to reach settlements in actions under Section 106 or 107 of CERCLA, 42 U.S.C. §§ 9606 or 9607. The authority vested in the President has been delegated to the Administrator of the United States Environmental Protection Agency ("EPA") by Executive Order 12580, 52 Fed. Reg. 2923 (Jan. 29, 1987), and further delegated to the Regional Administrators of the EPA on September 13, 1987, by EPA Delegation No. 14-14-E. This authority has been redelegated by the Regional Administrator to the Assistant Regional Administrator for the Office of Enforcement, Compliance, and Environmental Justice, EPA Region VIII. The Assistant Regional Administrator has redelegated this authority jointly to the supervisors in the Legal Enforcement Program and the Technical Enforcement Program of the Office of Enforcement, Compliance, and Environmental Justice.

2. This Administrative Order on Consent is issued to the persons, corporations, or other entities identified in Appendix A ("Settling Respondents"). Each Settling Respondent agrees to undertake all actions required of it by this Consent Order. Each Settling Respondent further consents to and will not contest EPA's jurisdiction to issue this Consent Order or to implement or enforce its terms.

3. EPA and the Settling Respondents agree that the actions undertaken by Settling Respondents in accordance with this Consent Order do not constitute an admission of any liability by any Settling Respondent. Settling Respondents do not admit, and retain the right to controvert in any subsequent proceedings other than proceedings to implement or enforce this Consent Order, the validity of the Statement of Facts or Determinations contained in Sections IV and V, respectively, of this Consent Order.

II. STATEMENT OF PURPOSE

4. By entering into this Consent Order, the mutual objectives of the Parties are:

a. to reach a settlement among the Parties with respect to the Site pursuant to Section 122(g) of CERCLA, 42 U.S.C. § 9622(g), that allows Settling Respondents to make a cash payment, including a premium, to resolve their alleged civil liability under Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606 and 9607, for injunctive relief with regard to the removal actions selected in EPA's September 25, 2000 Action Memoranda for the Site ("Removal Actions") and for response costs incurred at or in connection with the Site and to be incurred at the Site in conjunction with the Removal Actions, thereby reducing litigation relating to the Site;

b. to provide for contribution protection for Settling Respondents with regard to matters addressed in this Consent Order pursuant to Sections 113(f)(2) and 122(g)(5) of CERCLA, 42 U.S.C. §§ 9613(f)(2) and 9622(g)(5); and

c. to resolve the claims of the Settling Respondents which have been or could have been asserted against the United States with regard to this Site as provided in this Consent Order.

III. DEFINITIONS

5. Unless otherwise expressly provided herein, terms used in this Consent Order that are defined in CERCLA or in regulations promulgated under CERCLA shall have the meaning assigned to them in the statute or regulations. Whenever the terms listed below are used in this Consent Order, the following definitions shall apply:

a. "CERCLA" shall mean the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq.

b. "Consent Order" or "Order" shall mean this Administrative Order on Consent and all appendices attached hereto. In the event of conflict between this Order and any appendix, the Order shall control.

c. "Day" shall mean a calendar day. In computing any period of time under this Consent Order, where the last day would fall on a Saturday, Sunday, or federal holiday, the period shall run until the close of business of the next working day.

d. "EPA" shall mean the United States Environmental Protection Agency and any successor departments, agencies or instrumentalities.

e. "EPA Hazardous Substance Superfund" shall mean the Hazardous Substance Superfund established by the Internal Revenue Code, 26 U.S.C. § 9507.

f. "Future Response Costs" shall mean all costs of "response" as that term is defined by Section 101(25) of CERCLA, 42 U.S.C. § 9601(25), related to the Removal Actions and all costs to assess damages to natural resources, incurred after June 1, 2002, plus Interest on all such costs which has accrued pursuant to 42 U.S.C. § 9607(a).

g. "Interest" shall mean interest at the current rate specified for interest on investments of the EPA Hazardous Substance Superfund established by 26 U.S.C. § 9507, compounded annually on October 1 of each year, in accordance with 42 U.S.C. § 9607(a).

h. "Paragraph" shall mean a portion of this Consent Order identified by an arabic numeral.

i. "Parties" shall mean EPA and the Settling Respondents.

j. "Past Response Costs" shall mean all costs, including, but not limited to, direct and indirect costs, that the United States paid at or in connection with the Site through June 1, 2002, plus Interest on all such costs which has accrued pursuant to 42 U.S.C. § 9607(a) through such date.

k. "Removal Actions" shall mean the CERCLA removal action for the AERRCO and Thoro facilities and the CERCLA removal action for the GWI facility that were approved by EPA Region VIII in action memoranda dated September 25, 2000.

l. "Section" shall mean a portion of this Consent Order identified by a roman numeral.

m. "Settling Respondents" shall mean those persons, corporations or other entities listed in Appendix A.

n. "Site" shall mean the Rocky Flats Industrial Park Superfund Site, encompassing approximately 20 acres, located in the 17,000 block of Highway 72, approximately 2½ miles east of the intersection of State Highways 72 and 93 in Jefferson County, Colorado and depicted more clearly on the map attached as Appendix C.

o. "Total Volume of Hazardous Substances" shall mean the cumulative amount of hazardous substances accounted for on EPA's Volumetric Ranking Report, attached as Appendix B.

p. "United States" shall mean the United States of America, including all of its departments, agencies and instrumentalities, which includes without limitation EPA and any federal natural resources trustee.

IV. STATEMENT OF FACTS

6. The Rocky Flats Industrial Park Site (referred to here as "the Site") is located along the 17,000 block of Colorado Highway 72, approximately 2½ miles east of the intersection of Colorado Highways 93 and 72, in Section 23, T2N, R70W of Jefferson County, CO. Although the Site is located only a few miles down the highway from the well-known U.S. Department of Energy Rocky Flats Plant, the two sites are not related to one another. The Site consists of a number of individual parcels of land. Three of the principal parcels (which have been the subject of past investigations and cleanup actions) are known to EPA as the AERR CO, Thoro, and GWI facilities.

a. AERRCO Facility: The Wasatch Chemical Company owned and operated a chemical processing facility at the Site from 1970 to 1975. In September 1971, Wasatch Chemical Company merged with Entrada Industries, Inc., and operated the facility as a ferric chloride production facility prior to AERRCO (formerly the American Ecological Recycle Research Corporation) taking it over in 1975. AERRCO-owned and operated a business at the Site from 1975 until late 1980. The company bought, stored, recycled, and sold industrial and commercial waste chemical products, including such compounds as alcohol, acetone, acid, methylethylketone (MEK), solvents, toluene, xylene, cyanide waste, metals and PCB-contaminated oil. This property was the subject of an earlier removal action in 1988 that addressed surface contamination. In May of 1997, Highway 72 Properties, Inc. purchased the AERRCO property and continues to use the property for storage of mobile homes.

b. Thoro Facility: Thoro Products Company (Thoro), has owned a facility at the Site from 1973 to the present. Thoro sent and received rail shipments of products, recycled solvents and processed various chemicals until approximately 1988, when EPA conducted a separate removal action on two properties at the Site, which included the Thoro facility.

This removal action addressed surface contamination and installed an air stripper on Thoro's property to collect and treat contaminated water from a seep on the Site.

c. GWI Facility: From 1969 to 1970, Rocky Mountain Research ("RMR") conducted business operations at the Site, sharing a piece of the property with Precision Chemicals. RMR's operations included the manufacturing of chromium chloride, selling small quantity inorganic compounds and analytical consulting services. In 1974, RMR reorganized, changed its name and began operating the Site under the name Great Western Inorganics, Inc. ("GWI"). GWI currently owns and operates a portion of the Site. GWI is a highly specialized manufacturer of inorganic chemicals, including mercury oxide, arsenic trichloride, halides, sulfides, sulfates, nitrates, phosphates, alkalis, various metals and experimental salts. GWI also uses some solvents in chemical production. The parcel of land owned by GWI was the subject of the 1988 removal action described above that included the adjacent Thoro property.

7. Hazardous substances have been or are threatened to be released at or from the Site.

a. Environmental attention first focused on the Site when a fire occurred at the AERRCO property on October 17, 1979. Following this event, EPA and CDPHE conducted investigations at the AERRCO facility. Soil samples collected during these investigations indicated contamination by solvents, heavy metals (mercury, lead and cadmium), chlorinated hydrocarbons, and cyanide.

b. A RCRA inspection of AERRCO, conducted by EPA in June 1982, found more than 100 drums and tanks in poor condition or leaking. The drums and tanks contained an assortment of hazardous substances.

c. Another release of hazardous substances was documented by the results of an FBI investigation in March 1988, when water samples obtained from Barbara Gulch and an unnamed tributary to Barbara Gulch, which both received discharge from the Site, indicated the presence of arsenic, chloroform, 1,1-dichloroethane, 1,4-dioxane, methylene chloride, toluene, trichloroethene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, and vinyl chloride.

d. In August 1988, EPA collected samples of soils and leachate emanating from a seepage area on the Thoro property. Analysis of these samples indicated the presence of several hazardous substances, including arsenic, cis-dichloroethylene, cis-1,2-dichloropropylene, tetrachloroethylene, trans-dichloroethylene, trans-1,2-dichloroethylene, trichloroethylene, and vinyl chloride.

e. Sampling conducted in 1998 and 1999 as part of the Engineering Evaluation/Cost Analysis for the Site identified volatile organic compounds in the groundwater at the Site

with the following maximum concentrations: 1,1,1-Trichloroethane - 12,000 ug/l; 1,1-Dichloroethene - 13,000 ug/l; 1,2-Dichloroethane - 2,100,000 ug/l; 1,2-Dichloroethene - 23,000 ug/l; cis-1,2-Dichloroethene - 130,000 ug/l; Tetrachloroethene - 5300 ug/l; Trichloroethylene - 25,000 ug/l; Vinyl Chloride - 3300 ug/l; Carbon Tetrachloride - 10,000 ug/l and Chloroform - 10,000 ug/l.

8. As a result of the release or threatened release of hazardous substances, EPA has undertaken response actions at or in connection with the Site under Section 104 of CERCLA, 42 U.S.C. § 9604. EPA will incur response costs in the future.

a. In August of 1988, EPA initiated two time-critical removal actions at this Site to address: (1) leaking and abandoned drums on the AERRCO property; and, (2) to address surface contamination at the Thoro and GWI properties and to intercept and treat contaminated water from a seep in a low-lying area on the Site. The air-stripper continues to operate at the Site.

b. In December of 1997, EPA issued Unilateral Administrative Orders to 20 potentially responsible parties ("PRPs"), to conduct an Engineering Evaluation/Cost Analysis ("EE/CA"). The purpose of the EE/CA was to determine the actual extent of contamination at the Site, to identify the technologies available to treat the contamination, and to analyze the cost effectiveness of each of those technologies. Because the PRP associated with the GWI facility was not financially viable, EPA conducted the GWI portion of the EE/CA. The preferred removal action alternatives identified in the EE/CA Report are as follows: (1) implementation of air sparging/soil vapor extraction of volatile organic compound (VOC) contaminated areas, (2) ground water monitoring and institutional controls throughout the Site; (3) in situ treatment, excavation and offsite disposal of arsenic-contaminated surface soils at the GWI facility; (4) removal of water, sediment and liner of the arsenic-contaminated surface impoundment at the GWI facility; and (5) continued operation of existing seep collection/air stripper and surface water monitoring.

9. In performing and overseeing these response actions at the Site, EPA has incurred, and will continue to incur, response costs. Through June 1, 2002, EPA has incurred approximately \$4,529,605.08 in response costs.

10. Each Settling Respondent arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of a hazardous substance owned or possessed by such Settling Respondent, by any other person or entity, at the Site, or accepted a hazardous substance for transport to the Site which was selected by such Settling Respondent.

11. The amount of hazardous substances contributed to the Site by each Settling Respondent does not exceed 1% of the hazardous substances at the Site. The volumetric ranking prepared for this Consent Order is attached hereto as Appendix B. The volumetric ranking indicates the total volume of hazardous substances sent to the Site by each Settling Respondent.

12. EPA estimates that the total response costs incurred and to be incurred at or in connection with the Site by the EPA Hazardous Substance Superfund and by private parties is

\$10,859,605.08 (\$4,529,605.08 in Past Response Costs, \$900,000 in response costs incurred by private parties for performance of the EE/CA and \$5,430,000 in future response costs). Of those costs, \$3,513,660.69 is related to past and future response actions at the GWI facility (\$1,803,660.69 in past GWI response costs and \$1,710,000 in estimated future GWI response costs). EPA has determined that Settling Respondents are not responsible for GWI-related response costs. Consequently, the total response cost figure for purposes of this settlement is \$7,345,944.39 (\$2,725,944.39 in Past Response Costs, \$900,000 in response costs incurred by private parties for performance of the EE/CA and \$3,720,000 in Future Response Costs). The payment required to be made by each Settling Respondent pursuant to this Consent Order is a small portion of this total amount. Each Settling Respondent's allocated cost share is listed in the right-hand column on Appendix B.

V. DETERMINATIONS

13. Based upon the Statement of Facts set forth above and on the administrative record for this Site, EPA has determined that:

a. The Rocky Flats Industrial Park Site is a "facility" as that term is defined in Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

b. Each Settling Respondent is a "person" as that term is defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

c. Each Settling Respondent is a "potentially responsible party" within the meaning of Section 122(g)(1) of CERCLA, 42 U.S.C. § 9622(g)(1).

d. There has been an actual or threatened "release" of a "hazardous substance" from the Site as those terms are defined in Sections 101(22) and (14) of CERCLA, 42 U.S.C. §§ 9601(22) and (14).

e. The actual or threatened "release" caused the incurrence of response costs.

f. Prompt settlement with each Settling Respondent is practicable and in the public interest within the meaning of Section 122(g)(1) of CERCLA, 42 U.S.C. § 9622(g)(1).

g. As to each Settling Respondent, this Consent Order involves only a minor portion of the response costs at the Site within the meaning of Section 122(g)(1) of CERCLA, 42 U.S.C. § 9622(g)(1).

h. The amount of hazardous substances contributed to the Site by each Settling Respondent is minimal in comparison to other PRPs at the Site within the meaning of Section 122(g)(1)(A) of CERCLA, 42 U.S.C. § 9622(g)(1)(A).

VI. ORDER

14. Based upon the administrative record for the Site and the Statement of Facts and

Determinations set forth above, and in consideration of the promises and covenants set forth herein, the following is hereby AGREED TO AND ORDERED:

VII. PAYMENT

15. Within 30 days of the effective date of this Consent Order, each Settling Respondent shall pay to the EPA Hazardous Substance Superfund the amount set forth in Appendix B to this Consent Order.

16. Each Settling Respondent's payment includes an amount for:

- a. Past Response Costs;
- b. Future Response Costs and,
- c. a premium to cover the risks and uncertainties associated with this settlement.

17. Each Settling Respondent shall remit all payments via a certified or cashier's check, or by wire transfer. Checks should be made payable to the "EPA Hazardous Substance Superfund." Payments must be forwarded to the following address:

Regular Mail: Mellon Bank
 EPA Region VIII
 Attn: Superfund Accounting
 Post Office Box 360859
 Pittsburgh, PA 15251-6859

Federal Express, Environmental Protection Agency 360859
Airborne, etc.: Mellon Client Services Center, Rm 670
 500 Ross Street
 Pittsburgh, PA 15262-0001

Wire transfers must be sent directly to the Federal Reserve bank in New York, New York, with the following information:

ABA=021030004
TREAS NYC/CTR/
BNF=/AC-68011008

To ensure that payment is made to the proper account, each check shall reference the name and address of the party making payment, the Site name (Rocky Flats Industrial Park), the EPA Region and Site Spill ID Number (SSID #08-10), and the EPA Docket Number for this action (Refer to first page of this Consent Order).

18. At the time of payment, each Settling Respondent shall send notice that such payment has been made to:

Carol J. Pokorny, Enforcement Specialist (8ENF-T)
U.S. Environmental Protection Agency
99918th Street, Suite 300
Denver, Colorado 80202-2466

and

Frank MacFadden, Financial Management Officer (8TMS-F)
U.S. Environmental Protection Agency
99918th Street, Suite 300
Denver, Colorado 80202-2466

19. The total amount to be paid by Settling Respondents pursuant to this Consent Order shall be deposited in the Rocky Flats Industrial Park Site Special Account within the EPA Hazardous Substance Superfund to be retained and used to conduct or finance response actions and the assessment of damages to natural resources at or in connection with the Site, or transferred by EPA to the EPA Hazardous Substance Superfund.

VIII. FAILURE TO MAKE PAYMENT

20. If any Settling Respondent fails to make full payment within the time required by Paragraph 15, that Settling Respondent shall pay Interest on the unpaid balance. In addition, if any Settling Respondent fails to make full payment as required by Paragraph 15, the United States may, in addition to any other available remedies or sanctions, bring an action against that Settling Respondent seeking injunctive relief to compel payment and/or seeking civil penalties under Section 122(l) of CERCLA, 42 U.S.C. § 9622(l), for failure to make timely payment.

IX. CERTIFICATION OF SETTLING RESPONDENTS

21. By signing this Consent Order, each Settling Respondent certifies, individually, that, to the best of its knowledge and belief, it has:

a. conducted a thorough, comprehensive, good faith search for documents, and has fully and accurately disclosed to EPA, all information currently in its possession, or in the possession of its officers, directors, employees, contractors or agents, which relates in any way to the ownership, operation, or control of the Site, or to the ownership, possession, generation, treatment, transportation, storage or disposal of a hazardous substance, pollutant, or contaminant at or in connection with the Site;

b. not altered, mutilated, discarded, destroyed or otherwise disposed of any records, documents, or other information relating to its potential liability regarding the Site after notification of potential liability or the filing of a suit against it regarding the Site; and

c. fully complied with any and all EPA requests for information regarding the Site pursuant to Sections 104(e) and 122(e) of CERCLA, 42 U.S.C. §§ 9604(e) and 9622(e).

X. COVENANT BY THE UNITED STATES

22. In consideration of the payments that will be made by Settling Respondents under the terms of this Consent Order, and except as specifically provided in Section XII (Reservations of Rights), the United States covenants not to sue or take administrative action against any of the Settling Respondents pursuant to Section 106 of CERCLA, 42 U.S.C. § 9606, for performance of the Removal Actions; or pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607, for recovery of Past Response Costs, for recovery of Future Response Costs, or for natural resource damages. This covenant not to sue shall take effect for each Settling Respondent upon receipt by EPA of that Settling Respondent's payment as required by Section VII. With respect to each Settling Respondent, individually, this covenant not to sue is conditioned upon:

- a. the satisfactory performance by Settling Respondent of its obligations under this Consent Order; and,
- b. the veracity of the information provided to EPA by Settling Respondent relating to such Settling Respondent's involvement with the Site.

This covenant not to sue extends only to Settling Respondents and does not extend to any other person.

XI. RESERVATIONS OF RIGHTS

23. The United States reserves, and this Consent Order is without prejudice to, all rights against Settling Respondents, with respect to all other matters including, but not limited to, the following:

- a. liability for failure by Settling Respondents to meet a requirement of this Consent Order;
- b. criminal liability; or
- c. liability arising from any future arrangement for disposal or treatment of a hazardous substance, pollutant or contaminant at the Site after the effective date of this Consent Order.

24. Notwithstanding any other provision in this Consent Order, the United States reserves, and this Consent Order is without prejudice to, the right to institute judicial or administrative proceedings against any individual Settling Respondent seeking to compel Settling Respondents (1) to perform response actions relating to the Site, and/or (2) to reimburse the United States for additional costs of response, if:

- a. information is discovered which indicates that such Settling Respondent contributed hazardous substances to the Site in an amount greater than 1% of the Total Volume of Hazardous Substances, or which indicates that such Settling Respondent contributed hazardous substances which are significantly more toxic or are of significantly greater

hazardous effect than other hazardous substances at the Site.

b. total response costs at or in connection with the Site, excluding response costs solely associated with the GWI facility at the Site, exceed \$8.6 million.

XII. COVENANT BY SETTLING RESPONDENTS

25. Covenant Not to Sue by Settling Respondents. Settling Respondents covenant not to sue and agree not to assert any claims or causes of action against the United States, including the Settling Federal Agencies that participated in the first settlement offer for this Site, or their contractors or employees with respect to the Site or this Consent Order including, but not limited to:

a. any direct or indirect claim for reimbursement from the EPA Hazardous Substance Superfund based on Sections 106(b)(2), 107, 111, 112, or 113 of CERCLA, 42 U.S.C. §§ 9606(b)(2), 9607, 9611, 9612, or 9613, or any other provision of law;

b. any claims arising out of response activities at the Site; and

c. any claim against the United States pursuant to Sections 107 and 113 of CERCLA, 42 U.S.C. §§ 9607 and 9613, relating to the Site.

26. Nothing in this Consent Order shall be deemed to constitute preauthorization or approval of a claim within the meaning of Section 111 of CERCLA, 42 U.S.C. § 9611, or 40 C.F.R. 300.700(d).

27. Settling Respondents covenant not to sue and agree not to assert any claims or causes of action against each other with regard to the matters addressed in this Consent Order pursuant to Sections 107 and 113 of CERCLA, 42 U.S.C. §§ 9607 and 9613.

XIII. EFFECT OF SETTLEMENT/CONTRIBUTION PROTECTION

28. Nothing in this Consent Order shall be construed to create any rights in, or grant any cause of action to, any person not a Party to this Consent Order. The United States and Settling Respondents each reserve any and all rights (including, but not limited to, any right to contribution), defenses, claims, demands, and causes of action which each Party may have with respect to any matter, transaction, or occurrence relating in any way to the Site against any person not a Party hereto.

29. In any subsequent administrative or judicial proceeding initiated by the United States for injunctive relief, recovery of response costs, or other relief relating to the Site, Settling Respondents shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim-splitting, or other defenses based upon any contention that the claims raised in the subsequent proceeding were or should have been brought in the instant action; provided, however, that nothing in this Paragraph affects the enforceability of the covenant included in Paragraph 25.

30. The Parties agree that each Settling Respondent is entitled, as of the effective date of this Consent Order, to protection from contribution actions or claims as provided by Sections 113(f)(2) and 122(g)(5) of CERCLA, 42 U.S.C. §§ 9613(f)(2) and 9622(g)(5), for "matters addressed" in this Consent Order. The "matters addressed" in this Consent Order are all response actions taken or to be taken in connection with the Removal Actions, Past Response Costs, Future Response Costs incurred or to be incurred by any person, and response costs incurred in connection with the EE/CA performed by private parties.

XIV. PARTIES BOUND

31. This Consent Order shall apply to and be binding upon EPA and upon Settling Respondents and their heirs, successors and assigns. Any change in ownership or corporate or other legal status of a Settling Respondent, including but not limited to, any transfer of assets or real or personal property, shall in no way alter such Settling Respondent's responsibilities under this Consent Order. Each signatory to this Consent Order certifies that he or she is authorized to enter into the terms and conditions of this Consent Order and to execute and bind legally the party represented by him or her.

XV. INTEGRATION/APPENDICES

32. This Consent Order and its appendices constitute the final, complete and exclusive agreement and understanding among the Parties with respect to the settlement embodied in this Consent Order. The Parties acknowledge that there are no representations, agreements or understandings relating to the settlement other than those expressly contained in this Consent Order. The following appendices are attached to and incorporated into this Consent Order:

"Appendix A" is the list of the Settling Respondents.

"Appendix B" is the Volumetric Ranking and Cost Allocation

"Appendix C" is a map of the Site.

XVI. PUBLIC COMMENT

33. This Consent Order shall be subject to a public comment period of not less than 30 days pursuant to Section 122(i) of CERCLA, 42 U.S.C. § 9622(i). In accordance with Section 122(i)(3) of CERCLA, 42 U.S.C. § 9622(i)(3), EPA may withdraw or withhold its consent to this Consent Order if comments received disclose facts or considerations which indicate that this Consent Order is inappropriate, improper, or inadequate.

XVII. ATTORNEY GENERAL APPROVAL

34. The Attorney General or her designee has approved the settlement embodied in this Consent Order in accordance with Section 122(g)(4) of CERCLA, 42 U.S.C. § 9622(g)(4).

XVIII. EFFECTIVE DATE

36. The effective date of this Consent Order shall be the date upon which EPA issues written notice to Settling Respondents and Settling Federal Agencies that the public comment period pursuant to Paragraph 33 has closed and that comments received, if any, do not require modification of or EPA withdrawal from this Consent Order.

IT IS SO AGREED AND ORDERED:

For the U.S. Environmental Protection Agency

By: **SIGNED**
Michael T. Risner, Director
Legal Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice

9/23/02
Date

By: **SIGNED**
Sharon L. Kercher, Director
Technical Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice

23 September 2002
Date

In re CERCLA Section 122(g) Administrative Order on Consent
Rocky Flats Industrial Park Site

IT IS SO AGREED AND ORDERED:

For the United States

By: **SIGNED**
W. Benjamin Fisherow
Deputy Chief
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice

5/20/03
Date

THE UNDERSIGNED RESPONDENT enters into this Consent Order pursuant to Section 122(g)(4) of CERCLA relating to the Rocky Flats Industrial Park Site located in Jefferson County, Colorado:

FOR RESPONDENT: _____
Name of Respondent as it appears on Appendix A

Address: _____

Phone #: _____

By: _____
Name and Title Date

Print Name and Title

**IF YOU WOULD LIKE COPIES OF THE ATTACHMENTS AND/OR SIGNATURE
PAGES PLEASE CONTACT THE REGIONAL HEARING CLERK**

THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON MAY 27, 2003.